

#13

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FAX COVER SHEET

Date: **June 14, 2004**
From: **Ernest D. Buff**
Attorney #: **1**
Client/Matter #: **0015-10**
Re: **Application Of Tina M. Nocera et al.**
USSN 09/723,402, filed November 26, 2000
"METHOD FOR DEVELOPING ANSWER-OPTIONS TO ISSUE-
QUESTIONS RELATING TO PERSONAL FINANCE AND
INVESTMENT"
Matter No.: 0015-10

Pages sent (including cover): 20

RECIPIENT	FIRM	CC:	FAX NUMBER
Examiner Kazimi	US Patent & Trademark Office		(703) 308-3687

Message:

Pursuant to our telephonic conference of this afternoon, the Amendment transmitted February 6, 2004 via date certified facsimile mail in the subject Application is herewith being transmitted to you using the above-referenced fax number. Also transmitted with the Amendment is an Amendment Transmittal Letter containing the facsimile mailing certification. These documents accompanied the Amendment at the time of the February 6, 2004 mailing.

If we can be of further assistance in this matter, kindly let us know.


Ernest D. Buff**Confidentiality Note:**

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AMENDMENT TRANSMITTAL LETTER

ATTORNEY'S DOCKET NO.:

0015-10

SERIAL NUMBER:

09/723,402

FILING DATE:

November 28, 2000

EXAMINER:

Geoffrey R. Akers

GROUP ART UNIT:

3624

INVENTION:

METHOD FOR DEVELOPING ANSWER-OPTIONS TO ISSUE-QUESTIONS RELATING TO PERSONAL FINANCE AND INVESTMENT

INVENTOR(s): Tina M. Nocera et al.

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) NO. OF EXTRA CLAIMS PRESENT	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	34	MINUS	34	0	X \$9	0.00
INDEP. CLAIMS	8	MINUS	8	0	X \$42	0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0.00

* If the entry in column 2 is less than the entry in column 4, write "0" in column 5.

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The undersigned petitions for any extension of time for filing this document required under 37 C.F.R. 1.136 and requests that the \$ _____ fee be charged to Deposit Account No. _____. A triplicate copy of this sheet is enclosed.



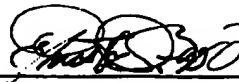
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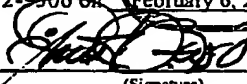
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Attorney Name

25,833

Reg. Number

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(Signature)

Ernest D. Buff

Attorney of Record

February 6, 2004

(Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tina M. Nocera et al. Group Art Unit: 3624
Serial No.: 09/723,402 Examiner: G. R. Akers
Filed: November 26, 2000
For: **METHOD FOR DEVELOPING ANSWER-OPTIONS TO
ISSUE-QUESTIONS RELATING TO PERSONAL
FINANCE AND INVESTMENT**
Docket No.: 0015-10

Morristown, NJ 07962
February 6, 2004

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION UNDER 37 CFR §1.111

This is in response to the Office Action dated December 3, 2003 ("Office Action").
Reconsideration and withdrawal of all of the rejections are respectfully requested.

After filing a Request for Continued Prosecution with amended claims, the pending claims were rejected as being obvious on a different ground than previously. A rejection under 35 USC §112 is no longer being made.

Claims 1-34, which are all of the claims pending in the application, have been rejected under 35 USC §103 (a) as unpatentable over Ho (USP 6,480,698) ("Ho") in view of Horowitz (USP 6,349,290) ("Horowitz") and Munson (USP 5,035,625) ("Munson"). Ho was previously used as a secondary reference to reject the claims, and Horowitz and Munson have been newly cited and applied. Applicants respectfully submit that the above rejection is improper and should be

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withdrawn.

It is believed that it would be helpful to again summarize Applicants' claimed invention.

1. Description of Invention

The present invention, as recited in claims 1 to 34, addresses and provides useful solutions to problems confronted by persons seeking to make wise decisions in the realm of personal finance and investment. It provides a multi-faceted response to questions posed regarding, e.g., investment strategies that are prudent for the situation of a given person based on his/her circumstances of marriage, net worth, current distribution of assets and liabilities, responsibilities for dependents, and many like factors. This response is polycentric, in that it provides numerous viewpoints (i.e., answer-options) on the topics and issues that have been posed by the issue-question.

In addition to being polycentric, the response is tailored to the issue-question presented. That is to say, the response takes into account many particular circumstances that influence wise financial planning for a given person. By considering these variables when identifying the topic groups and issue-questions, the method called for by present claims 1 to 34 provides information to a user, viewer, investment advisor, financial planner, or the like, that is specifically directed to their immediate and pressing concerns. This further restriction on or filtering of information provides a highly focused response, which is tailored to the issue-question presented.

Applicants' invention solves a very real need that is facing the average person – how to select from an increasingly diverse array of financial investment choices, as well as a need for great self-reliance in providing for one's future. Applicants have designed a method responsive to the needs of persons for assistance in finding wise and prudent approaches to financial planning. Generally stated, the method comprises the steps of (a) identifying a plurality of topics relating to

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personal investment and finance based upon predetermined criteria; (b) developing and recording a plurality of issue-questions directed to each of the identified personal investment and finance topics; (c) developing and recording an expert opinion for each issue-question; (d) developing and recording a prudent-investor opinion for each issue-question; (e) selecting a topic; (f) selecting an issue-question directed to the selected topic; and (g) communicating a plurality of answer-options to the selected issue-question. The plurality of answer-options comprises at least one expert opinion and one prudent-investor opinion. These are communicated to the requester in a response that is both polycentric and tailored to the issue-question.

Advantageously, when practicing the method of the invention, the user benefits from the various views of both experts and prudent investors, and can consider the answer-options provided in addressing the specific issue that the user has identified as being important. In addition, the invention can be tailored to a specific user or audience. Through consideration of numerous variables that distinguish a given person's circumstances and present and future responsibilities, such as his/her age, marital status, dependents requiring support, occupation and present and future income prospects, and current assets and liabilities, the method of the present invention serves to (i) identify the topics most important to a specific user; (ii) prioritize these topics; and (iii) develop specific questions directed to each of the prioritized topics. Such a multi-faceted approach, which offers both professional and prudent investor advice, is neither disclosed nor suggested by the cited references.

These features are set forth in detail in claims 1-34.

It is also pointed out for the record that the parent application has issued as U.S. Patent 6,193,518.

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ARGUMENTS

2. The 35 USC 103 (a) Rejection Over Ho in view of Horowitz and Munson is Improper and Should be Withdrawn

It was stated that Ho et al. discloses a system to teach a user based on his questions (citing the Abstract and col. 2, lines 20-36) with a rule-based methodology (citing Fig. 2/64) and an expert system database (citing Figs. 5, 6, 12 and 13). It was also stated that Ho teaches a study-materials generator (Fig. 1/52), an answer generator (Fig. 1/100), a question comparator (Fig. 1/60), topic related tables (Fig. 2/116) and semantic rules (Fig. 2/110). It was further stated that Ho teaches retrieving a question entered and presenting an answer and comparing the question with other questions (Fig. 5/198), decomposing a question into component parts (Fig. 7), a database with a questions table and a question matching engine (Fig. 12/529), an answer retriever (Fig. 12/539), a grammatical structure analyzer (col. 9, line 51 to col. 13, line 20) for questions and their components and ambiguous questions (col. 18, line 37 to col. 23, line 15), as well as filling in gaps of misunderstanding (col. 23, line 16 to col. 27, line 40).

Even assuming that Ho does disclose all of these specified features, it does not disclose or teach the features claimed in claims 1-34.

3. Ho does not Disclose or Suggest the Claimed Invention

In one embodiment, the system of Ho presents study materials and accepts a question from the user. The system responds with presentation of an answer to the question. The system compares the question with one or more questions previously entered by the user to determine his

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understanding of the subject and to select further study materials appropriate for the user. This is quite different from providing a response that is tailored and polycentric, as claimed herein.

Basically, Ho describes a teaching system where the student asks questions and an answer is provided. The answer is compared with other answers in order to track the educational progress of the student. Much of the disclosure of Ho is directed to features that ensure that a question is understandable by the system, which includes breaking down components of an asked question with a grammatical analyzer.

Applicants' method, in contrast to the system of Ho, provides different types of opinions (e.g., an expert opinion and a prudent-investor opinion) so that a user is given polycentric views. Not only are the answers tailored to the questions provided by the user, but the user is given meaningful advice which comes from more than one viewpoint. Thus, a plurality of answer-options in the field of personal finance and investment is given to the user. Rather, the answers from Ho represent a singular viewpoint. Thus, not only is Ho not directed to the problems to which this invention is directed (to provide wise and prudent advice to financial questions), but Ho clearly does not suggest Applicants' solution, which is the use of polycentric advice that is tailored to the specific inquirer.

Furthermore, Ho et al. does not disclose or suggest the provision of a plurality of answer-opinions to a user question. While in some embodiments (e.g. claims 62 – 63) the Ho et al. system prompts the user with a plurality of responses, the user is intended to select one of the plural responses in order to clarify some aspect of a user's previous inputs. It is respectfully submitted that such plural responses are to be distinguished from the plural answer-opinions provided by Applicants' system, all of which are alternatives regarded by at least one expert or prudent-investor as being appropriate in a particular situation.

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The Examiner recognizes that Ho is not directed to financial planning and cites Horowitz as being relevant to such field. However, the Office Action fails to recognize that Ho does not teach a method which provides answers which are tailored and polycentric, regardless of the field of inquiry.

4. Horowitz does not Rectify the Deficiencies of Ho

It is stated in the Office Action that Horowitz discloses a system for interactive and proactive advice to users on financial investment (Abstract, Figs.1-4) including customer's intent and expression (Fig. 3, 12/10) as well as the bank's intent (Fig. 4/18). Further, it was stated that Horowitz further teaches accessing sessions for personalized financial advice (Fig. 6) as well as merging behavior data with financial data (Fig. 9), and that the reference also teaches interactive and proactive sessions (Fig. 12) and collaborative sessions of the client with the financial institution (Fig. 26) over the internet (Fig. 28).

Horowitz is directed to an automated system to provide customized and personalized advice for a customer of a bank or financial institution, as well as target marketing of products and services. However, the advice is only from an expert (i.e., the bank or financial institution). There is no disclosure of providing polycentric advice as claimed herein, such as advice from both an expert and from a prudent-investor. Therefore, even if Horowitz were somehow properly combined with the disclosure of Ho, the features of Applicants' claimed invention would still not be shown.

5. Munson Does Not Suggest the Features Missing from Ho and Horowitz

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Munson was stated in the Office Action as showing a computer game teaching method at the level of a student (Abstract) (Fig. 1a) (Fig. 1b), a teaching program for a student (Fig. 1a/10/16), tutorials (Fig. 1a/20/24) and a student-level of difficulty (Fig. 1a/40). It was also stated that Munson further teaches displaying the correctness of the student answered questions (Fig. 1b/94) for more than one student (Fig. 1b/98/104), and a scoring algorithm for the student-level answers (Fig. 1b/110). The motivation to combine Munson with Ho and Horowitz was stated as being to teach expert questioning as well as student level questioning as enunciated by Munson (col. 1, lines 59-64), as applied to a financial advisory system that advises a client on investing based on client questions.

Applicants respectfully submit that Munson has nothing to do with the problems to be solved by their invention or the solution which they developed. Rather, Munson is directed to a computer game which includes an educational module(s). The programs are interrelated so that if educational questions are answered correctly, the scoring in the game is increased. Munson discloses an educational game in which questions are asked of the player – the player only answers the questions that are asked, but the player does not ask any questions.

Munson's system can compare answers to those already given and can generate a report on how the student has done in the testing, but that is not relevant to the invention claimed herein.

It is respectfully pointed out that there is nothing disclosed or suggested in Munson which even remotely relates to a financial program or the like, much less providing diverse answers to questions. Whereas the system of Applicants calls for the questions to be generated by the client, in Munson the questions are generated by the computer program based on the learning level of the student. As such, there is no advice that is provided to the user, and certainly not financial advice.

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In reality, Munson discloses a system which combines the fun aspects of computer and video games with educational programs. Munson's disclosure bears no relation to either Ho or Horowitz. The statement in the Office Action that the motivation to combine Ho and Horowitz with Munson is to "teach expert questioning as well as student level questioning as enunciated by Munson" is simply incorrect. The Office Action cites column 1, lines 59-64 of Munson for such support, but that citation is inapposite. Indeed, at that location Munson merely discloses:

"A second object of the invention is to modify the scoring algorithm of the computer game such that as the student demonstrates mastery of the educational information, he can achieve a higher score in the game."

It is clear that this cited disclosure merely relates to modifying the scoring algorithm such that as the student progresses in learning, a higher score can be achieved in the computer game. It is clear that Munson is only dealing with student level questioning. There is no suggestion of an expert questioning system, but even if there were it is submitted that such combination would not teach the herein-claimed invention since the proposed combined system would not have questions asked by a client and then answered in a polycentric manner – e.g., by an expert and by a prudent-investor. There simply is nothing in Munson, or the other references, singly or in any combination, which discloses the financial system claimed herein which provides answers that are not only tailored but are polycentric.

Significantly, none of the cited references discloses or suggests any system in which a user's question is answered with an answer-opinion that comprises both an expert opinion and a prudent investor opinion. As a result, any system disclosed or suggested by the combination of the references fails to provide answers to customer questions that are tailored and polycentric, as

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recited by Applicants' claims 1 – 34. Even less does such a system provide the plurality of answer-opinions as claimed herein.

The plurality of answer-opinions comprising both expert and prudent-investor views affords a user of Applicants' system with a more encompassing and useful basis for financial decision making than any system which provides but a singular opinion. As Applicants have noted at page 2, lines 21 to 25 of the specification, much of the financial advice currently available to the public represents particular viewpoints, and in some cases, viewpoints of those who stand to benefit (e.g., financially) from certain courses of action. Recent, widespread reports of improprieties by some in the financial community have made private investors wary of information sources that represent but a single viewpoint. By way of contrast, Applicants' system provides plural answer-opinions in response to user questions, thereby mitigating much skepticism about advice from a single source. Moreover, a user of the present system is freed from having to consult plural sources to obtain plural opinions. Instead, a single interaction more expeditiously provides such plural answers. Adduction of numerous, multifaceted views concerning a given situation provides a composite opinion with increased perspective that affords far greater value to the user than the singular point of view presented using any method disclosed or suggested by the cited references.

In summary, it is respectfully submitted that the combination of Ho, Horowitz and Munson do not in fact teach or suggest Applicants' invention claimed in claims 1-34. Even if the references were combined as suggested, the features claimed herein would not be shown. Accordingly, it is submitted that the 35 USC §103 rejection is unwarranted and should be withdrawn.

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6. It is Improper to Combine the Disclosures of Ho, Horowitz and Munson

The supposed motivation, as stated in the Office Action, to combine Horowitz with Ho is "to teach expert questioning as applied to a financial advisory system that advises a client based on his needs to customize these needs around intelligent engines that self learn as enunciated by Horowitz (col. 2. lines 5-11)". Applicants respectfully disagree with this conclusion. The system of Ho relates to a learning/study system that presents study materials and accepts a question from the user. The system responds with presentation of an answer to the question and can compare the question with one or more questions previously entered by the user to determine the level of understanding of the subject, as well as to select further study materials appropriate for the user. There is absolutely no suggestion of extending this to financial advice. In reality, Ho discloses a teaching program which can identify the understanding level of the user and select further materials for study. Applicants submit that this does not disclose a system as claimed herein which provides a response that is tailored and polycentric.

Horowitz, as pointed out above, does disclose a system to provide personalized advice from a bank or a financial institution. However, contrary to the system of Ho, the system of Horowitz is not a teaching system. As such, it is submitted that there would be no reason to combine the teachings of these two references, since Ho has nothing to do with a financial system and Horowitz has nothing to do with an educational or teaching system.

Moreover, it is respectfully submitted that Munson is even more remote than the disclosures of Ho and Horowitz. Munson combines a computer game environment with a teaching module, but clearly does not suggest a financial advice system. Although both Ho and Munson have aspects of a teaching system, Munson combines his with a computer game. Accordingly, the only suggestion that one having ordinary skill in the art would learn from Munson when

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considering the disclosure of Ho would be to add a computer game to Ho's learning system. Of course, even if that combination were made the present invention would still not be shown.

Moreover, Munson has nothing to do with the field of the invention of Horowitz, and there would be no reason to combine the teachings of those references, absent the improper use of Applicants' own disclosure.

It is respectfully submitted that one having ordinary skill in the art would not combine the teachings of Ho, Horowitz and Munson. There is nothing in any of the references to suggest such a combination and the reasons provided in the Office Action to make such combination simply are not persuasive or compelling. Accordingly, it appears that the only way that these references were identified and combined as suggested is through the improper use of hindsight in view of Applicants' disclosure. Otherwise, there would be no motivation to select bits and pieces of these references in an attempt to complete a mosaic which is similar to the invention claimed herein. Therefore, it is respectfully submitted that the proposed combination of Ho, Horowitz and Munson cannot be properly made, and accordingly the rejection based on this combination is improper.

Additionally, as pointed out above, even if the references were somehow combined as suggested, the claimed invention would still not be shown.

Accordingly, it is most respectfully submitted that the rejection of claims 1-34 under 35 USC §103 (a) as unpatentable is in error and should be withdrawn.

7. The Rejection of Each of the Claims is in Error

The following is a discussion of each of the claims with regard to the above comments made with respect to all of the claims. It is respectfully submitted that all of the claims are patentable.

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Claim 1 – the references do not suggest, *inter alia*, a plurality of answer-options to a selected issue-question, which comprise at least one expert opinion and one prudent-investor opinion, with the response being polycentric and tailored to the issue-question.

Claims 2 and 3 – the references do not suggest, *inter alia*, gathering data relating to personal finance and investment from a plurality of sources including survey data and focus group data, for step (a) and step (b), respectively, of claim 1.

Claim 4 – the references do not suggest presenting each issue-question to an expert and storing the answer, for step (c) of claim 1.

Claim 5 – the references do not suggest presenting each issue-question to a prudent-investor and storing the answer, for step (d) of claim 1.

Claim 6 – submitted to be patentable for the same reasons as claim 1.

Claims 7 and 8 – submitted to be patentable for the same reasons as claims 2 and 3, respectively.

Claim 9 – submitted to be patentable for the same reasons as claim 4.

Claim 10 – submitted to be patentable for the same reasons as claim 5.

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Claim 11 – additionally submitted to be patentable as none of the references discloses or suggests using a television medium to broadcast the plurality of answer-options.

Claims 12 and 13 – additionally submitted to be patentable as the references do not disclose or suggest recording a plurality of answer-options on videotape or DVD, respectively.

Claim 14 – submitted to be patentable for the same reasons as claim 1, as well as the fact that the references do not disclose or suggest modifying primary information by the plurality of answer-options of both expert and prudent-investor opinion to produce the polycentric information product.

Claims 15 and 16 – submitted to be patentable for the same reasons as claims 2 and 3, respectively.

Claim 17 – submitted to be patentable for the same reasons as claim 4.

Claim 18 – submitted to be patentable for the same reasons as claim 5.

Claim 19 – submitted to be patentable for the same reasons as claim 1.

Claim 20 – additionally submitted to be patentable since the references do not disclose or teach entering information specific to a user's investment preferences and geographic location.

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Claim 21 – additionally submitted to be patentable since none of the references discloses or teaches a copy-editor to evaluate and eliminate answer-options with the same content, so that only unique ones are displayed to the user.

Claim 22 – additionally submitted to be patentable since none of the references discloses or teaches assigning a content code and displaying only one of the answer-options with the same content code to the user.

Claim 23 – submitted to be patentable for the same reasons as claim 1, and since none of the references discloses or teaches notifying the user via an e-mail message and providing a hyperlink from which the both the issue-question and answer-options can be accessed.

Claim 24 – additionally submitted to be patentable since none of the references discloses or teaches assigning a preference code to each answer-option.

Claim 25 – additionally submitted to be patentable since none of the references discloses or teaches assigning a preference code to the user.

Claim 26 – additionally submitted to be patentable since the references do not disclose or teach filtering the answer-options to include only those with a user's preference code.

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Claim 27 – additionally submitted to be patentable since none of the references discloses or teaches using Bayesian inference and information theory in attempting to match the stored issue-question with the submitted question.

Claim 28 – additionally submitted to be patentable since the references do not disclose or teach, *inter alia*, deriving a probability that a reason for a cluster is the presence of a particular context, the same context that exists within the issue-question.

Claim 29 – additionally submitted to be patentable for the same reasons as claim 23.

Claim 30 – additionally submitted to be patentable since the references do not disclose or teach, *inter alia*, providing a plurality of expert opinions that are substantially diverse and collectively produce a polycentric information product tailored to the issue-question.

Claim 31 – additionally submitted to be patentable since none of the references discloses or teaches assigning a content-code to each answer-option and selecting only one of the answer-options with the same content code to be displayed to the user.

Claim 32 – submitted to be patentable for the same reasons as claims 27 and 30.

Claim 33 – additionally submitted to patentable for the same reasons as claim 28.

Claim 34 – additionally submitted to be patentable for the same reasons as claim 23.

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As can be seen, each of claims 1-34 defines patentable subject matter over the proposed combination of references and therefore all of them should be allowed.

SUMMARY

It is respectfully submitted that the foregoing has demonstrated that claims 1-34 of the present invention recite subject matter which is clearly patentable over the applied references. Applicants have provided a unique solution to the problem of obtaining financial advice, which is not disclosed or suggested in the applied references in any combination and which should be recognized as patentable. Therefore, the rejection based on 35 USC §103 (a) should be withdrawn.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-34 and allowance of the application. Early notice to that effect is respectfully solicited. If the Examiner believes that a discussion with Applicants' attorney would in any way advance the prosecution of this application, he is respectfully requested to telephone the undersigned.

Respectfully submitted,

Tina M. Nocera et al.

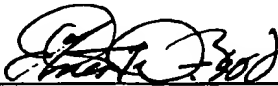


By _____
Ernest D. Buff
(Their Attorney)
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Serial No. 09/723,402

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February 6, 2004

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Examiner Geoffrey R. Akers
Art Unit 3624
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Serial No. 09/723,402
Our File: 0015-10

Dear Examiner Akers:

Enclosed for your information is a copy of a Response to Office Action Under 37 CFR §1.111 that was submitted yesterday by facsimile to the main fax number for the USPTO (703-872-9306).

We are sending this copy to you since it may take a while for yesterday's fax to be received by you.

Should there be any problems with the transmission or should you have any questions, please let me know.

Respectfully submitted,

R. H. Criss
Roger H. Criss
Reg. No. 25,570

Attachment

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RE: Resend
MP: Multi-Poll
RM: Receive to Memory
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PD: Polled by Remote
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DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

MB: Receive to Mailbox
PI: Power Interruption
TM: Terminated by user
WT: Waiting Transfer
WS: Waiting Send